

REMARKS

Applicants respectfully request reconsideration of the subject application in view of the amendments and remarks set forth herein. Reconsideration of the application is respectfully requested.

1. Status of the Claims

Claims 1, 2, 4-8, 10-11 and 14-28 have been rejected. Claim 1 has been amended herein, and claim 29 has been canceled. No new matter is added by these amendments. After entry of the foregoing amendments, claims 1-2, 4-8, 10-11 and 14-28 are pending in this application.

2. Claim Amendments

Applicants respectfully submit that no new matter is introduced by way of the foregoing claim amendments. Independent claim 1 has been amended to more clearly recite the subject matter associated with the present disclosure. Support for the amendments to claim 1 can be found in the specification, as originally filed, particularly with reference to, *e.g.*, paragraphs 80, 84, 93, 107 and 110.

As amended, claims 1-2, 4-8, 10-11 and 14-28 are pending in the present application. Applicants respectfully submit that no new matter is introduced by way of applicants' proposed claim amendments, and prompt entry thereof is respectfully requested.

3. Objections to the Drawings

The outstanding Office Action sets forth objections to the drawings as follows:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: "23," "35" and "37" of Figure 2.

Applicants have submitted a corrected Figure 2 in compliance with 37 CFR 1.121(d). In view of the above, reconsideration and withdrawal of the objections to the drawings is respectfully requested.

4. §112 Rejections

The outstanding Office Action sets forth rejections under 35 USC §112, as follows:

Claim 1-2, 4-8, 10-11 and 14-28 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully traverse the §112 rejections and submit that the above claims, as amended, satisfy the written description requirement of 35 U.S.C. §112. Reconsideration of the foregoing §112 rejections in view of the amendments and remarks set forth herein is respectfully requested.

Independent claim 1 has been amended to more clearly recite the subject matter of the present disclosure. In particular, applicants have amended independent claim 1 to more clearly recite that “said insoluble ultrafine particles are nanoparticles or submicron particles having a particle size of **about 16 nm to about 500 nm.**”

Claim 1, as amended, overcomes the Examiner’s rejections under § 112. Applicants respectfully submit that independent claim 1, as amended, satisfies the written description requirement of 35 U.S.C. §112 because all of the subject matter contained in independent claim 1, as amended, was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.


For at least the foregoing reasons, applicants respectfully submit that independent claim 1 satisfies the written description requirement of 35 U.S.C. §112. In addition, applicants respectfully submit that claims 2, 4-8, 10-11 and 14-28, which depend directly or indirectly from independent claim 1, satisfy the written description requirement of 35 U.S.C. §112 for at least the reasons noted with respect to independent claim 1. Reconsideration and withdrawal of the §112 rejections is respectfully requested.

CONCLUSION

Accordingly, for at least the stated reasons, claims 1-2, 4-8, 10-11 and 14-28 all satisfy the written description requirement of 35 U.S.C. §112. Reconsideration and prompt allowance of all pending claims is respectfully requested. If the examiner believes that a telephone conversation may be useful in advancing prosecution of the application, the examiner is invited to contact applicants' undersigned counsel.

Respectfully submitted,

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